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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,339	09/19/2006	Jacob Gil	2282/3	9944
44596 7590 05/28/2010 DR. MARK M. FRIEDMAN C/O BILL POLKINGHORN - DISCOVERY DISPATCH 9003 FLORIN WAY UPPER MERLBORO, MD 20772				
EXAMINER HUSSAIN, FARRUKH				
ART UNIT 2444		PAPER NUMBER		
NOTIFICATION DATE 05/28/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/593,339

**Applicant(s)**

GIL, JACOB

**Examiner**

FARRUKH HUSSAIN

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2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 42-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/200)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in regards to the response received on 03/29/2010. Claims 20-41 have been canceled. Claims 42-77 have been added. Claims 42-77 are pending.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. submission filed on 03/29/2010 has been entered.

### ***Response to Arguments***

3. Applicant's arguments filed 03/29/2010 have been fully considered but they are not persuasive.

4. The examiner would like to state that the examiner's interpretation regarding a network-enabled, data-capture device in the claim 42 is that the network-enabled, data-capture device is a phone according to the specification (*see page 6, lines 28-32, the user aims his or her phone at a hotel's name (Logo), captures it and automatically gets connected to the hotel chain's reservation office.*) to avoid possible Claim Rejections - 35 USC § 101.

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Point A. With regards to the Rejection under 35 USC § 102 (e), the applicants argue that The present invention discloses a method and device for retrieving information on the basis of a query having a particular content; the content of the query is the captured data as claimed. Gelvin is silent in this regard;

As to Point A, the Examiner respectfully disagrees. Gelvin does disclose or teach a method and device for retrieving information on the basis of a query having a particular content; the content of the query is the captured data as claimed (*See column 36, lines 1-10, Further, a prior search of the database may limit the number of nodes that are specifically queried to gather (retrieving) information that is missing, but needed to answer the request. This saves energy for the remote network, and allows more queries to be simultaneously processed. Thus, the activation request gets modified as processing, communication, and data retrieval operations are carried out.*).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**5. Claims 42-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Gelvin et al. (Gelvin) (US 6,859,831 B1).**

6. With respect to the claim 42, Gelvin reference teaches A method for retrieving information from a network-based information-provider comprising:

a) providing a network-enabled, data-capture device configured to retrieve information from a network having at least one information provider operative to provide search results to queries defined at least in part by electronic representations of real-world entities (*See column 1, lines 35-42, the invention relates to providing distributed network and Internet access to sensors (captured-data), controls, and processors that are embedded in equipment, facilities, and the environment and See column 36, lines 26-42, Embodiments of the DQLs for sensor programming and information retrieval include small footprint standard query language (SQL) database systems and See column 17, lines 15-17, o. BOOL Node -Search: Initiates search of network for participating nodes that are in range of and have been acquired by the local gateway.*)

b) formulating a query, said query being at least one electronic representation of a real-world entity obtained by said data-capture device (*See column 32, lines 49-54, A Web client may then query the WINS NG server for images, data, image (a real-world entity) and data history, and data relationships acquired at any point on the earth.*);

c) retrieving information from said network-based, information-provider based on the query (*See column 36, lines 1-10, Further, a prior search*

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*of the database may limit the number of nodes that are specifically queried to gather (retrieving) information that is missing, but needed to answer the request..); and*

*d) presenting the information by way of a user-output interface (See column 3, lines 49-55, The typical network includes a number of sensor nodes 202, a master 204, and a user interface 206.).*

7. With respect to the claim 43, Gelvin further teaches wherein said data-capture device includes an image capture device (*See column 5, lines 65-67 and column 6, lines 1-5, a seismic sensor and energy detector circuit is used to trigger a digital camera under the control of a computer).*

8. With respect to the claims 44 and 62, Gelvin further teaches wherein said data-capture device includes a microphone (*See column 18, lines 55-59, and compact electret microphones for acoustics).*

9. With respect to the claims 45 and 63, Gelvin further teaches wherein said data-capture device includes a radio receiver (*See column 2, lines 35-40, sensors with manual controls on sensitivity and radio channel selection (receiver), and one-way communication of raw data to a network master).*

10. With respect to the claims 46 and 64, Gelvin further teaches wherein said data-capture device includes a data-capture device selected from the group consisting of scent detector, taste sensor, geophone, motion sensor, acceleration meter, wind meter, thermometer, humidity sensor, texture sensor, location sensor, and global positioning system receiver (*See column 5, lines 24-30, for example Global Position System (GPS) or hand registration of position).*

11. With respect to the claims 47 and 65, Gelvin further teaches wherein said data-capture device is integrated into a cellular phone (*See column 32, lines 20-25, wireless cellular telephony, and satellite telephony.*).

12. With respect to the claims 48 and 66, Gelvin further teaches wherein said data-capture device is integrated into a device selected from the group consisting of a wireless phone, netphone, personal digital assistant, portable computer, pager, and personal computer (*See column 32, lines 20-25, wireless cellular telephony, and satellite telephony.*).

13. With respect to the claims 49 and 73, Gelvin further teaches wherein said network-based information- provider is implemented as a network-based dedicated server configured to perform data-processing on data of the electronic representation of real-world entities by said data-capture device (*See column 32, lines 35-40, and signal processing objects and data to an entire node population.*).

14. With respect to the claims 50 and 74, Gelvin further teaches said at least one network-based information-provider is selected from the group consisting of a World-Wide- Web site, intranet site, extranet site, database, knowledge-base, search engine, dedicated server and service center (*See column 6, lines 59-67, network resources such as database are available.*).

15. With respect to the claims 51 and 67, Gelvin further teaches wherein said query being at least one electronic representation of a real-world entity includes an image (*See column 5, lines 50-60, The images processed by the host computer.*).

16. With respect to the claims 52 and 68, Gelvin further teaches wherein said query being at least one electronic representation of a real-world entity includes a sound recording (*See column 20, lines 15-20, targets are used to provide the sounding impulses for node location*).

17. With respect to the claims 53 and 69, Gelvin further teaches wherein said query being at least one electronic representation of a real-world entity includes an. information segment encoded in electromagnetic radiation (*See figure 40, IR Sensor, radiation*).

18. With respect to the claims 54 and 70, Gelvin further teaches wherein said query being at least one electronic representation of a real-word entity selected from the group consisting of odor, taste, texture, motion, and vibration (*See column 18, lines 40-50, infrared motion devices*).).

19. With respect to the claims 55 and 71, Gelvin further teaches wherein said formulating a query includes fusing data of a plurality of electronic representations of real-world entities captured by said data-capture device (*See column 2, lines 45-50, so that fusion of data across multiple types of sensors is possible in one node*).).

20. With respect to the claims 56 and 72, Gelvin further teaches wherein said formulating a query includes fusing data inputted by a user with said at least one electronic representation of real-world entities captured by said data-capture device (*See column 2, lines 45-50, so that fusion of data across multiple types of sensors is possible in one node*).).



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21. With respect to the claims 57 and 75, Gelvin further teaches further comprising presenting information retrieved from said information-provider service by way of a user output-device (*See column 19, lines 15-25 Touch Screen, Microphone, Audio Output.*).

22. With respect to the claims 58 and 76, Gelvin further teaches wherein said user output device device is selected from the group consisting of a visual output device, audio output device, textural output device, motion generator, electromagnetic transmitter, vibrator and scent generator (*See column 19, lines 15-25 Touch Screen, Microphone, Audio Output.*).

23. With respect to the claims 59 and 77, Gelvin further teaches further comprising alerting a relevant party in response to the information retrieved from said network-based information-provider according to instructions inputted by a user by way of said user-input interface (*See column 19, lines 15-25 Touch Screen (input interface), Microphone, Audio Output.*).

24. With respect to the claim 60, Gelvin further teaches A portable, network-enabled information retrieval device comprising:

a) a portable, data-capture device for generating electronic representations of real-world entities (*See column 5, lines 65-67 and column 6, lines 1-5, a seismic sensor and energy detector circuit is used to trigger a digital camera (portable) under the control of a computer;*

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b) a network interface (*See column 3, lines 49-55, The typical network includes a number of sensor nodes 202, a master 204, and a user interface 206.*); and

c) a processor, said processor being configured to generate network queries for retrieving information from a network containing information-provider, said query being at least one electronic representation of a real-world entity captured by said data-capture device (*See column 5, lines 65-67 and column 6, lines 1-5, a seismic sensor and energy detector circuit is used to trigger a digital camera under the control of a computer (processor)*).

25. With respect to the claim 61, Gelvin further teaches wherein said data-capture device includes an image capture device so as to be an image-based search engine. (*See column 5, lines 65-67 and column 6, lines 1-5, a seismic sensor and energy detector circuit is used to trigger a digital camera under the control of a computer (search engine)*).

### **Conclusion**

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARRUKH HUSSAIN whose telephone number is (571)270-5652. The examiner can normally be reached on Monday-Thursday, Alt. Friday, 7:30 A.M-5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. H./  
Examiner, Art Unit 2444  
05/21/2010

/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2444